THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 28.03.2007

+ **WP (C) 2325/2007**

MASTER HARDIK CHOUDHARY ...Petitioner
THROUGH HIS NATURAL GUARDIAN

- versus -

THE SECRETARY (EDUCATION) & ANR ...Respondents

Advocates who appeared in this case:
For the Petitioner : Mr Manjit Singh.
For the Respondent No.2 : Mr Puneet Mittal.

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

+ CM.NO. 4311/2007 in WP (C) 2325/2007
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Allowed subject to all just exceptions.

WP (C) 2325/2007

1. This petition has been filed on behalf of Master Hardik Chouhdary, who is a minor and was a student of class V at the Delhi Public School, Mathura Road. He has been detained in this class and promotion has been

denied to him to class VI on account of shortage of attendance. This is indicated in the achievement record of 2006-2007 issued by the school. The original has been placed before me. In the final assessment, it is indicated that the petitioner has been detained due to shortage of attendance.

2. The present case is an unfortunate case inasmuch as there was discord apparently between the petitioner's father and mother. The result of this was that the mother of the petitioner took away the petitioner and his brother from Delhi without information to the petitioner's father on 21.08.2006. The petitioner's father unable to find his children and his wife lodged a missing person report with the Police Station, Shakarpur. Subsequently, it came to the knowledge of the petitioner's father that the children had been taken away by his wife to Hyderabad, Andhra Pradesh. The petitioner, his brother and his mother ultimately returned to the father's household on 04.12.2006. There was a reconciliation between the parents. The parents are now living together alongwith the children. The petitioner also joined the school on 07.12.2007 and continued to attend classes since then. The shortage of attendance has occurred because, during the period 21.08.2006 to 06.12.2007, the petitioner had been taken away by his mother to Hyderabad, as indicated above.

3. I see no reason as to why the petitioner, who is a minor, should be punished for the discord between his parents. The school ought to have taken a sympathetic view in this matter, particularly, because the petitioner was otherwise a good student. Accordingly, I direct that the Delhi Public School,

Mathur Road shall not take into account the factum of the petitioner's absence from the school during the period August to December 2006 and shall not detain him on this ground. The only reason given by the school for detaining the petitioner was shortage of attendance. Since, this is no longer a ground available to the school, there is no impediment to the petitioner being promoted to the next class.

This petition stands disposed of.

Dasti to both the parties.

BADAR DURREZ AHMED
(JUDGE)

March 28, 2007
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